

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FOUSSEYNI DOUMBIA, : CIVIL ACTION NO. 1:05-CV-1118

Petitioner : (Judge Conner)

v. :

IMMIGRATION AND CUSTOMS
ENFORCEMENT, :

Respondent :

FILED
HARRISBURG, PA

AUG 05 2005

MARY A. ANDREA, CLERK
cc: - 1808
Deputy Clerk

ORDER

AND NOW, this 5th day of August, 2005, upon consideration of the report of the magistrate judge (Doc. 5), to which no objections were filed, recommending that the petition for writ of mandamus (Doc. 1) be denied, and it appearing that other procedures are available to petitioner and provide adequate means of relief, see Hahneman Univ. Hosp. v. Edgar, 74 F.3d 456, 461 (3d Cir. 1996) (stating that a petition for writ of mandamus should not be granted when the petitioner has "adequate means to attain the desired relief"); United States v. Whitakker, 268 F.3d 185 (3d Cir. 2001) (same); see also Pub. L. No. 109-13, Div. B, 119 Stat. 311 (Real ID Act of 2005); 8 U.S.C. § 1231(a)(4)(D) (stating that an alien may not bring a cause of action "to compel [his or her] release, removal, or consideration for release or removal"); Grant v. Hogan, 505 F.2d 1220, 1223 & n.8 (3d Cir. 1974) (holding that petitioner challenging detainer must exhaust all available administrative remedies before seeking relief in federal court), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 5) is ADOPTED.
2. The application to proceed *in forma pauperis* (Doc. 3) is GRANTED.
3. The petition for writ of mandamus (Doc. 1) is DENIED.
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge